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EXAMINER

ELDER, JEREMY RYAN

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,429

Applicant(s)

EDWARDS ET AL.

Examiner

Jeremy R. Elder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

The specification mentions a "data input port 250" on pg 8, line 25, but it does not appear in figure 2.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Title

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title should have some reference to the device's wireless capabilities.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 21-25, 44 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Allen et al. (US #5,737,491) (US #5,806,005)
5. As for claims 1 and 21, Allen et al. (US #5,737,491) disclose a system for transferring data, comprising:

an imaging device (camera 10) configured to capture image data into data buffers (temporary memory storage 22) (col. 2, lines 38-40).

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a data destination (server 34) configured to receive the image data from said imaging device (camera 10) for subsequent access by a system user (col. 2, lines 1-7).

a transfer manager (wireless transceiver 32) for transferring said data from said imaging device to said data destination (col. 3, lines 11-14).

6. As for claims 2 and 22, Allen et al. (US #5,737,491) disclose that the transfer manager (wireless transceiver 32) utilizes a wireless communications (wireless connection 35) technique to transfer said data over a wireless network from said imaging device (camera 10) to said data destination (server 34) (col. 3, lines 11-16).

7. As for claims 3 and 23, Allen et al. (US #5,737,491) disclose that the imaging device (camera 10) is implemented as a digital camera device (col. 2, lines 34-45), and that the data includes image data and related identification information (col. 4, lines 55-57).

8. As for claims 4 and 24, Allen et al. (US #5,737,491) disclose an information source provides identification information (microprocessor 20) (col. 3, lines 8-10) to the imaging device (camera 10) for routing said data during a data transfer procedure. Allen also discloses that the identification information includes at least one of a user identifier (unique identification code (i.e. camera serial number) col. 3, line 9) for identifying said imaging device

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and a destination identifier for identifying said data destination (col. 2, line 65 – col. 3, line 4).

9. As for claims 5 and 25, Allen et al. (US #5,737,491) disclose that the imaging device (camera 10) captures image data using a capture subsystem (fig. 1), and then temporarily stores the image data into data buffers (temporary memory 22) (col. 2, lines 8-40). Allen teaches that memory 22 is a temporary memory (col. 2, lines 38-39). It is inherent that the temporary memory 22 has a reduced memory size configuration, which costs less than a memory having larger storage capacity.

10. Regarding claim 44, Allen et al. disclose a system where that captures data and stores the data into data buffers (temporary memory storage 22) by utilizing an imaging device (camera 10) as well as utilizing a data destination (server 34) to receive said data for subsequent access by a system user; and transferring the data from the imaging device (camera 10) to said data destination by utilizing a transfer manager (wireless transceiver 32).

However, Allen et al. do not disclose details of a computer readable medium that is programmed to run the above steps, but it is inherent that the camera have such a medium since the camera is run by a microprocessor 20.

11. As for claim 45, see examiner's comments with respect to claim 1.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 6, 8, 9, 12, 15-18, 26, 28, 29, 32, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US #5,737,491) as applied to claims 5 and 25 above, and further in view of Strandwitz et al. (US #6,522,352).

14. Regarding claims 6 and 26, Allen et al. do not disclose details on wireless communication protocol.

However, Strandwitz et al. disclose a wireless camera system.

Strandwitz et al. disclose that the transfer manager (full-duplex transceiver 100 in fig. 2) performs an arbitration procedure with a wireless communications network (RF Bandwidth 400 in fig. 2) to transfer image data to the data destination (disk drive 402 in fig. 2). The protocol of the procedure includes encoding/decoding, encryption, transport protocol, network protocol, bandwidth allocation and media access control (col. 5, lines 28-37).

Strandwitz et al. also disclose that when camera 600 wishes to transfer, commands are sent to cameras 100 and 601 to reduce their resolution or frame rate to allot sufficient bandwidth for camera 600 (col. 10, lines 5-15). This inherently requires authorization from the wireless network.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Allen et al. by using a wireless network as described by Strandwitz et al. as means to transfer images from an imaging device to a data destination for the benefit of creating a system that does not have the camera tethered to the data destination by a data transmission wire.

15. Regarding claims 8 and 28, Allen et al. disclose that the transfer manager (wireless transceiver 32) initiates said arbitration procedure in response to a system-user authorization event that is caused by a system user activating a user interface (microphone 24) on said imaging device by verbally instructing the camera to perform instructions such as "erase", "send to (address)(channel)", etc. (col. 3, lines 49-51 and table 1).

16. Regarding claims 9 and 29, Allen et al. disclose a transfer manager (wireless transceiver 32) transfers said data from said data buffers (temporary memory storage 22) to said wireless communications network (transceivers 32 and 36) for transmitting to said data destination (server 34).

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17. Regarding claims 12 and 32, Allen et al. disclose that the wireless communications network routes the data from the imaging device to the data destination as well as disclose details on identifying the data destination (col. 2, line 65 – col. 3, line 4).

18. Regarding claim 15, Allen et al. does not disclose a wireless communication system that sends an error message or details of resending data that was not received or contained errors.

However, Strandwitz et al. disclose a wireless camera device where upon incorrect reception of one or more data units, the receiving transport protocol sends a “negative acknowledgement” signal to video transport protocol of the transmitting device (source of data) and time is allotted for the transmitting device to resend the data (col. 8, lines 58-63 and fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of invention to send a return error message to a sending node warning a user that their data was not sent properly as well as allot a time frame for the transmitting device to resend the data for the benefit of insuring that the data is properly and timely received by the data destination.

19. Regarding claims 17 and 37, Allen et al. discloses a controller (CPU 37) of said data destination (server 34) analyzes the user identifier from the identification information to identify at least one of said system user (col. 4,

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lines 55-59). Allen et al. also discloses the controller then associating said data with the imaging device (col. 4, line 56 – “I.D. of the camera).

20. Regarding claims 18 and 38, Allen et al. disclose that their server includes a data file relating the user information with the camera they used to identify who to charge for the services (col. 3 lines 11-28).

21. Claims 7 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US #5,737,491) and Strandwitz et al. (US #6,522,352) as applied to claims 6 and 26 above, and further in view of Hull et al. (US #5,806,005).

Neither Allen et al. nor Strandwitz et al. describe the monitoring of data buffers.

However Hull et al. disclose a wireless transfer system.

Hull et al. disclose that when data buffers (memory 24) are full, the system transmits the images to a data destination (server station 14) (col. 3, lines 4-5).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system taught in Allen et al. and Strandwitz et al. by having the system automatically send the data to the data destination when the buffers, or memory fill for the benefit of allowing the user to not have to worry about running out of memory (col. 3, lines 5-7).

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22. Claims 10, 13, 14, 30 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US #5,737,491) and Strandwitz et al. (US #6,522,352) as applied to claims 9 and 29 above, and further in view of Safai et al. (US #6167469).

23. Regarding claim 10 and 30, neither Allen et al. nor Strandwitz et al. describe display systems that are able to show status information.

However, Safai et al. disclose that a display can show status information about various camera settings (col. 1, lines 34-35). They further explain that the settings of the transport application 230 (fig. 2) are displayed for user input given in a step-by-step format (col. 8, lines 21-60 and figs. 5A and 5B). The user then knows from the display the step he is on, or status of the process thereof.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system taught in Allen et al. and Strandwitz et al. by providing status information of the data transmission procedure to the user for the benefit of providing a visual system for transmission increasing the ease of use.

24. Regarding claims 13 and 33, neither Allen et al. nor Strandwitz et al. disclose details of their wireless transceivers indicating successful transfer.

However, Safai et al. disclose that the data destination (server 601) terminates the connection upon receiving the sent data (col. 14, lines 1-8).

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It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system taught by Allen et al. and Strandwitz et al. by having a confirmation of successful receiving of data and ID information for the benefit of increasing the reliability of the system.

25. Regarding claims 14 and 34, neither Allen et al. nor Strandwitz et al. disclose commands where the user can erase the memory stored in the camera upon successful transfer to the data destination.

However, Safai et al. disclose an option for the user to select that automatically erases the images from the camera after sending them (col. 12, lines 58-60 and fig. 4F).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the systems taught by Allen et al. and Strandwitz et al. by clearing the limited space on the camera for the benefit of the user being able to acquire more images.

26. Regarding claim 35, Allen et al. does not disclose a wireless communication system that sends an error message or details of resending data that was not received or contained errors.

However, Strandwitz et al. disclose a wireless camera device where upon incorrect reception of one or more data units, the receiving transport protocol sends a "negative acknowledgement" signal to video transport protocol of the

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transmitting device (source of data) and time is allotted for the transmitting device to resend the data (col. 8, lines 58-63 and fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of invention to send a return error message to a sending node warning a user that their data was not sent properly as well as allot a time frame for the transmitting device to resend the data for the benefit of insuring that the data is properly and timely received by the data destination.

27. Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US #5,737,491) and Strandwitz et al. (US #6,522,352) as applied to claims 9 and 29 above, and further in view of Scorse et al. (US #5,128,776).

Neither Allen et al. nor Strandwitz et al. disclose details on the transfer method of data transfer to the data destination.

However, Scorse et al. disclose a prioritized image transmission system where data is transmitted in the form of multiple message blocks. Each block is checked for error and if errors are found, the receiver sends a list of bad blocks back to the transmitter requesting those be resent (col. 8, lines 25-53).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the systems taught by Allen et al. and Strandwitz et al. by using a method of partial data transfer as taught by Scorse et al. for the benefit of having efficient means for detecting data transfer errors.

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28. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US #5,737,491) and Strandwitz et al. (US #6,522,352) as applied to claims 17 and 37 above, and further in view of Ichimasa et al. (US #6,246,839).

Allen et al. do not disclose details for retaining images on the camera in response to a transfer error.

Strandwitz et al. disclose that the transmitter is given another opportunity to transfer the image data (col. 8, lines 58-63 and fig. 5). Therefore the image data could not be erased until a confirmation of some form is received.

However, Strandwitz et al. do not disclose that the error message is displayed.

Ichimasa et al. disclose a camera with a display device that provides an error display (col. 7, lines 23-25).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the systems of Allen et al. and Strandwitz et al. to display a transmission error as well as continue to store the image data in the camera until the data has been confirmed as properly saved at the data destination for the benefit of alerting the user of a transmission problem thereby reducing the chance of lost images during transfer.

29. Claims 19-20 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US #5,737,491) and Strandwitz et al. (US

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#6,522,352) as applied to claims 17 and 37 above, and further in view of Anderson et al. (US #5,861,918).

Allen et al. nor Strandwitz et al. disclose details of a user accessing image data using a device remote to the data destination.

However, Anderson et al. disclose that removable memory 354 is connected to a personal computer (fig.3)

It would have been obvious to one of ordinary skill in the art at the time of invention to provide a means for a user to access a data destination where the image data was uploaded for the benefit of allowing the user access and view their image to their personal computer.

30. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US #5,737,491), Strandwitz et al. (US #6,522,352) Safai et al. (US #6,167,469) as applied to claims 35 above, and further in view of Ichimasa et al. (US #6,246,839).

Allen et al. do not disclose details for retaining images on the camera in response to a transfer error.

Strandwitz et al. disclose that the transmitter is given another opportunity to transfer the image data (col. 8, lines 58-63 and fig. 5). Therefore the image data could not be erased until a confirmation of some form is received.

However, neither Strandwitz et al. nor Safai et al. disclose that the error message is displayed.

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Ichimasa et al. disclose a camera with a display device that provides an error display (col. 7, lines 23-25).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the systems of Allen et al., Strandwitz et al. and Safai et al. to display a transmission error as well as continue to store the image data in the camera until the data has been confirmed as properly saved at the data destination for the benefit of alerting the user of a transmission problem thereby reducing the chance of lost images during transfer.

31. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US #5,737,491) and as applied to claim 21 above, and further in view of Nishizawa et al. (US # 2001/0045463A1).

Allen et al. disclose the use of memory (22) but do not specify whether it is removable or not.

However Nishizawa et al. disclose a video camera with either a semiconductor memory 6 or a hard disk 13 both of which are described as not being able to be detached freely. (col. 5 lines 7-13).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the camera of Allen et al. to have a non-removable memory for the benefit of relieving the user of having to worry about breaking or losing the media.

32. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US #5,737,491) and as applied to claim 21 above, and further in view of Safai et al. (US #6,167,469).

Allen et al. disclose image capture, but do not disclose details on the processing of the captured images.

However, Safai et al. disclose that digital camera 200 contains a transport application 230 and a print application 234 (col. 7, lines 31-50 and fig. 2). It is obvious that the camera needs to create a protocol, or format that would be compatible with a printer as well as create a different format that would be compatible with a server.

It would have been obvious to one of ordinary skill in the art at the time of invention to create formats on a camera for the benefit of having a camera system that is compatible with different peripherals.

33. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US #5,737,491) and as applied to claim 21 above, and further in view of Hull et al. (US # 5,806,005).

Allen et al disclose a wireless connection (35), but not one that utilizes a cellular phone network.

However, Hull et al. disclose a camera 10 with a cellular phone transmitter 28 transmitting over cellular phone network 16 (fig. 1 and col. 2, lines 16-19).

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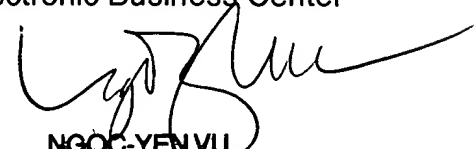
It would have been obvious to one of ordinary skill in the art at the time of invention to modify the wireless transmitters of Allen et al. to transmit using a cellular phone network for the benefit of allowing a user to transfer data to a data destination from any location of the user's choosing given a cellular phone signal.

Conclusion

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Elder whose telephone number is (703) 305-4693. The examiner can normally be reached on M-F 800-430.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NGOC-YEN VU
PRIMARY EXAMINER